

ORIGINAL

KENJI M. PRICE #10523
United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 23 2019

at 10 o'clock and 16 min. A M
SUE BEITIA, CLERK Jr

MORGAN EARLY #10104
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
E-Mail: Morgan.Early@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 19-00716 KSC
)	
Plaintiff,)	CRIMINAL COMPLAINT;
)	AFFIDAVIT IN SUPPORT OF
v.)	CRIMINAL COMPLAINT
)	
ZACHARIAH FREDRICKSON,)	
)	
Defendant.)	
_____)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief.

Count One
Coercion and Enticement
(18 U.S.C. § 2422(b))

On or about March 25, 2019, within the District of Hawaii, ZACHARIAH FREDRICKSON, the defendant, did use any facility and means of interstate and foreign commerce, that is, the internet and a cellular phone, to knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity under such circumstances as would constitute a criminal offense under Hawaii state law, specifically, Hawaii Revised Statutes, Section 707-730(1)(b). All in violation of Title 18, United States Code, Section 2422(b).

Count Two
Transfer of Obscene Material to a Minor
(18 U.S.C. § 1470)

On or about March 25, 2019, within the District of Hawaii, ZACHARIAH FREDRICKSON, the defendant, did use any facility and means of interstate and foreign commerce, that is, the internet and a cellular phone, to knowingly attempt to transfer obscene material to another individual who had not attained the age of 16 years, knowing that the individual had not attained the age of 16 years. All in violation of Title 18, United States Code, Section 1470.

I further state that I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and that this Complaint is based upon the facts set forth in

the attached "Special Agent's Affidavit in Support of a Criminal Complaint," which is incorporated herein by reference.

DATED: July 23, 2019, Honolulu, Hawaii.



ANDREW MASTERS
Complainant

Subscribed to and sworn before me on
July 23, 2019 at Honolulu, Hawaii.



KEVIN S.C. CHANG
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 19-00716 KSC
)	
Plaintiff,)	AFFIDAVIT IN SUPPORT OF
)	CRIMINAL COMPLAINT
v.)	
)	
ZACHARIAH FREDRICKSON,)	
)	
Defendant.)	
_____)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

INTRODUCTION

1. This affidavit is submitted for the purpose of establishing probable cause that on and about March 25, 2019, within the District of Hawaii, ZACHARIAH FREDRICKSON (“Defendant”) engaged in conduct that violated 18 U.S.C. §§ 1470 and 2422(b), which make it a crime for any person to attempt to transfer obscene material to a minor, and to use a facility or means of interstate commerce to knowingly attempt to persuade, induce, entice, or coerce a minor under the age of eighteen to engage in any sexual activity for which a person can be charged with a criminal offense.

2. I am currently employed as a Special Agent for the Federal Bureau of Investigation (FBI) and have been so employed since 2011. Prior to this, I was employed by the Richardson, Texas Police Department as a Police Officer and Detective from 1998 to 2006 and by the Dallas County District Attorney's Office as an Investigator from 2006 to 2011. In my twenty years of law enforcement experience, I have conducted numerous investigations of violent crime including assaults, robberies, kidnappings, sexual assaults, and crimes against children. Additionally, I am a certified member of the Cellular Analysis Survey Team (CAST). CAST is a specialized unit within the FBI that utilizes records provided by wireless telephone service providers to determine the general location of a cellular device during a period of time.

3. I am familiar with the facts set forth in this affidavit based upon my personal knowledge and/or information provided to me by other law enforcement personnel and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the criminal complaint charging Defendant with violations of federal law. Accordingly, this affidavit does not set forth all of the facts known to me or to FBI regarding this matter. Summaries and statements from conversations do not include references to all topics covered in the conversations. This affidavit is not intended to include each and every fact and matter observed or known to the government.

PROBABLE CAUSE

4. On or about March 25, 2019, an undercover law enforcement officer (UC) posted a profile of a purported thirteen-year-old female on a social media platform that uses the internet to allow users to communicate with each other with written messages. Other users of the social media application could view this posted profile.

5. At approximately 3:07pm that day, the username “xerka” responded to the undercover’s post, using the private messaging feature. This feature allows users to send and receive messages privately to each other. At the time of the chat messages described below, the identity of the individual using the “xerka” account was not known to law enforcement.

6. In his initial message, “xerka” wrote that he was in the Marine Corps and interested in meeting immediately. In my training and experience, this reference to “meet” likely referred to sexual contact. The UC responded to “xerka” with, “Hahaha. I’m 13 that okay????” In response “xerka” wrote at 5:56pm, “Yes Can I come pick you up now?” Later in the conversation, “xerka” wrote to the purported minor, “So, you’re ok with having sex with someone in their 20’s?”

7. Shortly thereafter, “xerka” sent the UC a photo of an exposed and erect penis belonging to what appeared to be a white male. The face of the male was not visible in the photo.

8. Unbeknownst to the UC posing as the minor female, “xerka” was also chatting with a different undercover officer (UC-2) at the same time, who had posted a profile of a mother with a thirteen year-old daughter. That profile included sexually suggestive language, and “xerka” responded to that post at approximately 3:08pm. UC-2 told “xerka” that she had a daughter who was underage, and suggested that she was willing to offer the girl to “xerka” for commercial sex (\$100 per hour of sex with the minor):

xerka: Wha5 [sic] does she look like? Do guys have sex with her?

mom: Cute. Petite. Brown hair. 4 ft 10

xerka: Pic?

mom: You a serious buyer or just a window shopper?

xerka: Serious

mom: What’s your fetish?

xerka: I do it all Love creampie and anal

mom: There’s a small fee.

xerka: Ok pic?

mom: U good with \$100/hr

xerka: Yes What does she like? 3sum with you and her too

mom: I just watch. She’s open to a lot but no anal.

xerka: Ok Can I cum inside her?

mom: Gotta wear a condom

xerka: Ok How long have you done this with your daughter? Can she swallow my cum from a bj?

9. Based on my training and experience, the terms “creampie” and “anal” refer to sex acts; the term “cum” refers to semen; and the term “bj” is an acronym for oral sex performed on a male.

10. After discussing what sexual acts “xerka” would like to perform with the purported minor girl, “xerka” and UC-2 discussed the time and financial terms for the sexual encounter. “Xerka” explains that he needs to wait to meet in order to get cash from his job, but asks, “What can I give you tonight if we do tonight?” UC-2 asks him what he might have of value. “Xerka” responds, “Nothing...just a few dive tanks is all.” He proceeds to tell UC-2 that she can sell a dive tank for “50” – a reference to \$50. In order to meet the \$100 amount for the agreed commercial sex act, “xerka” agrees to bring two dive tanks to the meet location where he will have sex with the purported minor female. He then sent UC-2 a photo of the dive tanks in his possession.

11. After further conversation, the two undercover officers realized they were engaging in conversation on the social media platforms with the same user, “xerka.” UC-2 started to arrange an in-person meeting with “xerka,” and both undercovers continued their communications with him.

12. Around 8pm that evening, “xerka” drove to the agreed-upon meet location. At 8:07pm, he messaged “Coming up the hill now.” The location of the meet location was on a hill, with a roadway going up the hill.

13. Thereafter, “xerka” messaged that he was in the area of the house but having difficulty finding the right location. For approximately the next hour, “xerka” continued to text the UC to identify the correct meet location. At one point, he told the UC he had walked by the meet location in a blue shirt and parked on the main road. He writes to her that he is “very nervous” and that “I have condoms and all.” In response, the UC gave “xerka” further directions to the meet location, and he began to request specific photos of the UC to determine that she was not law enforcement. Soon after, “xerka” left the area, stating, “I gotta get back home and sleep, I know I wasted time but I was so scared and nervous.. :-/”

14. Later that night, “xerka” wrote to the UC that he still wanted to meet with her for sex the following day, suggesting, “Meet in the morning before school?” and asking, “Can we try anal?” The UC did not set any further in-person meetings with “xerka.” The identity of the user of the account “xerka” was unknown to law enforcement at this time.

15. In the months following, law enforcement obtained multiple search warrants, and with further investigation, determined that the user of the “xerka” account was ZACHARIAH FREDRICKSON. FBI agents confirmed that

Fredrickson was training to be a National Park Ranger at the Federal Law Enforcement Training Center ("FLETC"), in the state of Georgia. Law enforcement executed additional search warrants on Fredrickson's residence in Hawaii, car, and cellphone. At his residence, law enforcement retrieved the exact dive tanks depicted in the photos sent from "xerka" to the undercover agents when he was arranging to meet the purported minor for a commercial sex act.

16. On May 7, 2019, FBI agents in Georgia approached Fredrickson, and he consented to a voluntary interview. During the course of this interview, Fredrickson admitted to using the account "xerka" on March 25, 2019, to communicate with what he believed was a minor female and her mother, and admitted to travelling to the agreed-upon meet location in his vehicle. He denied bringing the dive tanks with him to the meet location. At first he denied remembering the location for the meet, but later described the meet location in specific detail, including the pine trees located near the meet location. He admitted to sending an explicit photograph of his penis to the purported minor. He admitted the purpose of the meet was for sex acts, but stated he did not go through with it because the minor "was not of age." At one point he stated he knew his conduct was wrong, but then stated, "I don't know my intent...I mean, I know my intent, it was not wrong."

//

CONCLUSION

Based on the foregoing facts, I respectfully submit there is probable cause to believe that ZACHARIAH FREDRICKSON engaged in the violations of federal law set forth above.

Respectfully submitted,



ANDREW MASTERS
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 23rd of July, 2019. Based upon the foregoing, the undersigned Judicial Officer finds that there is probable cause to believe that defendant above-named committed the crimes charged in the Criminal Complaint, this 23rd of July, 2019.



KEVIN S.C. CHANG
UNITED STATES MAGISTRATE JUDGE
District of Hawaii